IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

CRL.A.No. 897 of 2001()

ST.1954/1999 of JUDL. MAGISTRTE OF FIRST CLASS COURT-III, THRISSUR

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APPELLANT: COMPLAINANT

SOUMYA KURIES & LOANS (PVT.) LTD.
MANGALODAYAM BUILDINGS, ROUND SOUTH
THRISSUR - REP. BY MANAGER BENNY JOSEPH,
S/O.KANJIRATHUKUNNEL JOSEPH
MATHAICHIRA DESOM, MULAYAM VILLAGE
THRISSUR DISTRICT.

BY ADV. SRI.V.R.KESAVA KAIMAL
SRI.N.M.MADHU

RESPONDENTS: ACCUSED

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1. P.D.SHAJU, S/O.DEVASSY
   RESIDING AT POTATHUPARAMBIL HOUSE
   P.O.ANCHERY, KACHERY DESOM
   NADATHARA, THRISSUR.

2. STATE OF KERALA REP. BY ITS
   PUBLIC PROSECUTOR
   HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 05/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.A.No.897 of 2001

Dated this the 5th day of July, 2007

JUDGMENT

The appellant is the complainant who had initiated proceedings under Section 138 of the Negotiable Instruments Act. The accused stands acquitted under Section 256(1) of Crl.P.C. as the complainant was absent.

2. It is submitted that the lapse was on account of the wrong noting of the posting date. The order of the court below is set aside. The court below is directed to permit the appellant to further proceed with the matter and dispose of the case on merits. The court below shall issue fresh summons to the accused. The appellant shall appear before the court below on 8.8.2007.

The appeal is allowed.

K.R.UDAYABHANU,
JUDGE

csl